App F IX 4

Previous References
Rel 66-31-95 & 137
" 66 31 140 & 164

Later References

Preserve

1932 (Rel) File No 63-32
Serial Nos 190, 221

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for June 33

SUBJECT

Amendment of the existing Octroi bylaws of the Bangalore City Municipality so as to empower the Municipal Comm to make rewards to informants of octroi smuggling

d 221 To Mc Commr Bglr City thro the President Comptroller

Go L 8621-2 dated 26th June 1933

States that no bylaw is necessary for the purpose mentioned above and approves of the proposed as a rule under section 46 of the Mc Regulation

5852/32
P [illegible]

General and Revenue Secretariat | File No 63 of 1932 | [App F III—2

Serial No

190. Letter no [illegible] 295/ dated 5/5/33 from the Municipal Commr Bangalore City forwarding for sanction the amendment proposed for the octroi byelaws in force in the Municipality, regarding the payment of rewards to informants in cases of Smuggling

1 Submitted for orders with reference. The Law Section may be consulted in regard to the amendment proposed

[illegible] CB 11/5

2 For favor of remarks

Asstt Secy Lawsection / Asst Comptr [illegible] 11/5

3 The question whether a bye-law can be framed under Sec 48 (w) or (x) of the M[illegible] Regn, empowering the Municipality to reward informants in cases of Smuggling, has been considered in the file reading to [illegible] Secy D.O. 3489 of 24th March 1932 The same may be kindly be perused

Asst Secy L.S.G. Br with Comptr / Asst 13/5

4 Please peruse the reply

Asst 13/5

5 Municipal file 66-31 & 95/37 on the subject is put up

CB 16/5/33

6 Asstt Secy Lawsection / Asst Comptr [illegible] 19/5

me 66-31 95/37

29/5 Law

A

E—Contn Sheet

L 495

File No 63 of 1932 | General and Revenue Secretariat

7) I doubt if the payment of rewards to informants in cases of smuggling of articles liable to octroi can be regulated by means of byelaws under sec 48 of the Mc Regn - Clause (k) of subsec 2 of ~~the~~ This section deals with the byelaws relating to octroi and this subject of rewards is not included among the various items mentioned in this clause -

8 The essential characteristics of a byelaw are thus described by Lord Russel in Kruse v Johnson (1898 2 QB 91) — "A byelaw I take to be an ordinance affecting the public or some portion of the public, imposed by some authority clothed with statutory powers ordering something to be done or not to be done, and accompanied by some sanction or penalty for its non-observance It necessarily involves restriction of liberty of action by persons who come under its operation as to acts which but for the byelaw they would be free to do or not to do, as they pleased - Further it involves this consequence that if validly made, it has the force of law within the sphere of its legitimate operation"

9) The so called byelaw approved by Govt in G O No 6325 - Mc 69-14-32 dated 16 ½ 1915 & printed at page 82 of the Bangalore city Rules & byelaws has

Serial No

none of the essential characteristics of a bylaw - It gives no right to the public to get a reward nor does it in any way restrict any other right It merely enables the President to sanction rewards in certain cases -

(10) As observed in HC file 66 of 1931 placed below, it is no doubt permissable for the HC council to use its funds in rewarding informants of actual smuggling But no bylaw is necessary for this purpose. When and how this reward is to be given and who is to award the same are matters to be regulated, if at all, by rules under sec 46.

A In supersession of the G O of 16 2-1915, the present proposed bylaw may be approved of as a rule under sec 46 of the HC Regulation -

Asst Secy Leg
with compts

BRP 14/6/33

(11) Draft re bylaw as suggested at A

AM 15/6

(12) Draft as put up for approval

CC 20 6 33

Chief Secy

AM 21/6

RJ 22/6/33

Department

AM 22/6

JPR 28/6

RJ 29/6/33 Issue AM

Sec d Board C ncil 22 NE 1933 N 66 & 3

TYPING SECTION GEN'L DEPT 23 JUN 1933

NOTE—Contn Sheet

L 4957

File No | of 193 | General and Revenue Secretariat

Letter No 8421 dt 26/6/33 To Undersecretary Bailey | 284

Enquiries as to amendment of rule under Sec 46 of the Mines Act

Ml 63-32-190

No G To 295/Sec three

CITY MUNICIPAL OFFICE

Bangalore City, Dated 2nd May 1933

FROM

P H KRISHNA RAU ESQ MA,
MUNICIPAL COMMISSIONER
BANGALORE CITY

GEN & REV SECTT
9 MAY 1933
L & Q BRANCH

R Ranga Rao, Esq B A B L
Chief Secretary to the Govt of Mysore
Bangalore

Sir

I With reference to your letter No L 8587/Ml 66-31-164 dated the 29th June 1932 stating that the bye laws require amendment if rewards have to be paid out of the duty recovered in cases of smuggling of goods liable to Octroi which end in conviction but in which fine is not recovered I have the honour to state that the subject was referred to the Bye Law Committee who at their meeting held on 24-11-1932 proposed suitable amendment as enclosed herein and the same was approved by the Council at their meeting dated 7-1-1933 ~~and have approved~~

Objections were called for by publishing the amended bye-laws in the local papers and no objections were received

A copy of the amended bye law and copies of the resolutions of the Bye Law Committee and council as well as a copy of the notice dated 24-1-1933 are enclosed for the our of information of Government

I request that sanction of Government for the amended bye laws may kindly be obtained early

I have the honour to be
Sir
Your most obedient servant

Municipal Commissioner

Forwarded with compliments,

Honorary President

No - .

PROCEEDINGS OF THE ORDINARY GENERAL MEETING OF THE CITY MUNICIPAL COUNCIL, BANGALORE, HELD ON SATURDAY THE 7TH JANUARY 1933 AT 12 NOON IN THE COUNCIL CHAMBER OF THE CITY MUNICIPAL OFFICE, BANGALORE

Present

B K. Garudachar, Esq , Honorary President

Councillors

1 Mr S K Venkataranga Iyengar,
2 " W H.Hanumanthappa,
3 " P Subbarama Chetty,
4 " K T Bhashyam Iyengar,
5 " Ramalal Thiwari,
6 " W H.Venkataramanappa,
7 " B S Shankarappa Setty,
8 " B.L Byanna,
9 " C N Narasinga Rao,
10 Dr D Gopalakrishna Rao,
11 Mr K.Srikantiah,
12 " M B Somasekhara Rao,
13 " S Venkatapathiah,
14 " N Balakrishniah,
15 " Khaja Mohamed Khader Sheriff,
16 " Abdul Majeed,
17 " Mohamed Hussain,
18 " B D Naidu,
19 Dr M Royan,
20 Mr B Kempanna,
21 Mr Thangavelu Pillay

Absent.

1 Mr Belur Srinivasa Iyengar,
2 " Hoskote Bhadrappa,
3 " D Venkataramanappa,
4 Dr D S Ramachandra Rao,
5 Mr S V Srinivasa Setty,
6.Sri Srirangamma,
7 Mr O S Nasarulla Sheriff,
8 " V Sundaramurthy

Subject No 13 - To approve the opinion of the Bye Law Committee meeting dated 24-11-1932 modifying the bye laws regulating the payment of rewards to informants in cases of smuggling

Resolution - Approved

Sd B K Garudachar
Hon President

Copy " - - - -

Municipal Commissioner

Proceedin s of the 'unicipal Bye Law 'ommittee etin held on 24-11-1932

Subject No 10 To consider council subject No 25 dated 5-11-1932 in the matter of substituting the word 'unicipal Commissioner' in the place of the 'Municipal Council in the modification proposed by the Bye Law Committee Committee regarding the payment of rewards to informants in smuggling cases

Resolution - Resolved that t e Bye Law regulating the payment of rewards to informants in cas s of smuggling a page 86 of the rules and Bye Laws be rec st as follows -

The Commissioner City unicipal Council, Bangalo e is empowered to award to any person who gives information leading to the detection of the offence of smuggling goods liable to octroi duty a reward of onehalf of the fine recovered in cases in hich conviction has been secured "

In special cases the unicipal Council may award to such person the full amount of the fine and in cases in which conviction is secured but the fine is not recovered or in which conviction is not secured any amount not exceeding th full amount of the duty if any recovered in respect of the smuggled goods

Copy '

unicipal Commissioner

BANGALORE CITY MUNICIPALITY

Notice Dated the 24th January 1933

Notice is hereby given to the inhabitants of Bangalore City that the City Municipal Council desire to amend the Bye-law regulating the payment of rewards to informants in cases of smuggling of dutiable articles

Any inhabitant of the Bangalore City objecting to the proposed modification may within one month from the date of this notice send his objections in writing to the Municipal Commissioner, Bangalore City Municipality

Sd P N. Krishna Rau.

Municipal Commissioner

Bye-law regulating the payment of rewards to informants in cases of smuggling at page 86 of the Rules and Bye-laws to be recast as follows ---

"The Commissioner, City Municipal Council, Bangalore, is empowered to award to any person who gives information leading to the detection of the offence of smuggling goods liable to Octroi duty, a reward of one-half of the fine recovered in cases in which conviction has been secured

In special cases, the Municipal Council may award to such person the full amount of the fine and in cases in which conviction is secured but the fine is not recovered or in which conviction is not secured, any amount not exceeding the full amount of the duty if any --- recovered in respect of the smuggled goods "

SM

"Copy"

Municipal Commissioner

GRS App F VI—G 2]

SUBJECT

Diary No of letter replied to L4957

General and Revenue Secretariat

(Mnl)

the *193*

Date of issue 26/6/ 1933

Signed by Mr A Seetha Rao

Section Mnl

File No 63-32

Serial No 221

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Lgo no L 6325 Mnl 69-14 C, dated 16/2/1915 sanctioning the bylaws framed by the Bangalore City Mnl for levying octroi in the municipality

2) Letter no G To 295/ dated 5/5/33 from the Municipal Commissioner, Bangalore City, requesting sanction to the proposal of the Mnl to amend the existing octroi bylaws so as to empower the Mnl commissioner to make payments of rewards to informants of octroi smuggling

Order

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

21/6/33

A1-2

Order No 8621-2 of 26/6/33

Government consider that no
bylaw is necessary for permitting
the Board to use its funds for rewarding
informants of other smuggling, and as
that is purely a matter which has
to be regulated by rules under Sec 46 of the Pl Regn
(Suspension of the Govt of 16 Dec 15
Dec above), Government are pleased, therefore,
to approve of the proposed bylaw amendment
to the as a rule under Sec 46 of
the Regulation

RR/6(1)

List of Enclosure

for brief see Govt
21/6

The Collector Bangalore (Customs)
The Comptroller Works

Copied by

Examined by

WD 7 —GBPM—20 000—10 8 31

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read -

Government Order No L 6325/M1 69-14-62 dated 16th February 1915, sanctioning the by-laws framed by the Bangalore City Municipal Council for levying octroi in the Municipality

2 Letter No C To 295 dated 5th May 1933 from the - - Municipal Commissioner Bangalore City requesting sanction to the proposal of the Municipal Council to amend the existing Octroi By-laws so as to empower the Municipal Commissioner to make payments of rewards to informants of octroi ~~xxxx~~ smuggling

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Order No L 8421-2/Rul 63-32-221

Bangalore dated the 24th June 1933

Government consider that no by-law is necessary for permitting the Municipal Council to use its funds for rewarding informants of octroi smuggling as that is purely a matter which has to be regulated by rules under Section 46 of the Municipal Regulation Government are therefore pleased, in supersession of the Government Order of 16th February 1915, to approve the proposed amendment as a rule under Section 46 of the Regulation

Asuba Rao
For Chief Secretary to Government

To

The Municipal Commissioner Bangalore City
Through the President City Municipal Council Bangalore

The Comptroller to Government

TRM 3